

**Remarks/Arguments:**

Claims 23, 59-62, and 95-98 are pending in the above-identified application. By the present Amendment, claims 23, 59-62, and 95 are amended, and claims 96-98 are newly added.

**Objection to the Title**

The title of the invention is objected to for not being descriptive. By the present Amendment, the title is amended to read: "METHOD AND APPARATUS FOR TRANSMITTING ENCODED INFORMATION BASED UPON PRIORITY DATA IN THE ENCODED INFORMATION." Favorable reconsideration is respectfully requested.

**Rejections Under 35 U.S.C. §112**

Claims 59-62 have been rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action asserts that the term "frequently" recited in claims 59 and 60 is a relative term "which renders the claim indefinite." The Office Action disapproves of the term "preferentially" recited in claims 61 and 62 for similar reasons. By the present Amendment, Applicants amend claims 59-62 to remove the recitations of "frequently" and "preferentially." Favorable reconsideration is respectfully requested.

**Rejections Under 35 U.S.C. §102(e)**

Claims 23, 59-62, and 95 have been rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 5,680,322 to Shinoda. While not conceding the rejections, Applicants amend claims 23, 59-62 and 95 by the present Amendment to expedite prosecution. It is respectfully contended that these claims are patentable over Shinoda for at least the reasons discussed below.

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Amended claim 23 recites a feature which is neither disclosed nor suggested by Shinoda, namely:

transmitting the encoded information when the priority of the encoded information satisfies the priority threshold, and

when the encoded information is lost at a frequency exceeding a threshold value, adjusting the priority threshold.

This feature is found in the originally filed application at page 40, lines 6 - page 42, line 19. No new matter has been added.

The present invention determines a threshold of a priority added to encoded information that should be transmitted based on information on grading of the priority (e.g., 5-level priority), thereby making it possible to increase the likelihood of reception and processing of information by a receiving terminal. This structure of the present invention facilitates handling of a plurality of video streams and audio streams and provides the ability to focus on synchronizing and reproducing important scenes cut together with audio so as to reflect intentions of an editor.

In the rejection of claim 23, the Office Action cites to columns 1-4 of Shinoda for disclosing, allegedly, the features of the claim. In this portion of Shinoda, there is disclosed several embodiments of a method for transmitting dynamic picture image data. (See Shinoda, col. 2, lines 28-29.) A first embodiment discloses a method for transmitting compressed dynamic image data from a transmitting side to a receiving side which determines when to issue a retransmission request. (See Shinoda, col. 2, lines 44-46.) In a second embodiment, the transmitting side determines whether data to be transmitted should be thinned out. (See Shinoda, col. 4, lines 41-55.)

With regard to the first embodiment, if there is an error in transmission, the receiving side determines the effect of the error upon the picture or image quality. (See Shinoda, col. 2, lines 52-54.) The receiving side makes a determination of the effect of the error based upon the particular frame type that has the error. (See Shinoda, col. 3, lines 17-22.) Because B frames in an MPEG stream are not referenced by other frames in the stream, an error in a B frame does not effect other frames.

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(See Shinoda, col. 3, lines 22-27.) Therefore, the receiving side does not request retransmission of B frames when B frames have errors. (See Shinoda, col. 3, lines 24-27.) The receiving side, however, does request retransmission of I and P frames, as these frames are referenced during the decoding of other frames. (See Shinoda, col. 3, lines 27-31.) Thus, in this embodiment, the receiving side determines when to issue a retransmission request for a particular frame based upon the frame's type.

In the second embodiment noted above, Shinoda describes a transmission apparatus that thins out an MPEG stream to achieve a specified transmission rate. (See Shinoda, col. 4, lines 41-55.) In this embodiment, the transmission apparatus removes B frames from the MPEG stream because they are not referenced during the decoding of other frames. (See Shinoda, col. 4, lines 43-51.) By thinning out B frames, Shinoda purports to achieve a specified transmission rate. (See Shinoda, col. 4, lines 54-55.)

These first and second embodiments of Shinoda discussed above do not disclose variable priority thresholds and transmitting information depending on whether priorities embedded within the information satisfy a variable priority threshold. With regard to the first embodiment, Shinoda discloses requesting retransmission of I and P frames but not B frames. Shinoda can not differentiate among frames having a particular type, e.g., I frames, and does not adjust a priority threshold when data is lost. Therefore, Shinoda discloses a system that contains a problem in that important scene cuts may not be reproduced by a receiving terminal even if a certain I picture includes important scene cuts or when there are multiple video streams. It is because amended claim 23 includes a variable priority threshold that the priority threshold may be adjusted so that important frames, such as frames with important scene cuts, have a higher likelihood of being transmitted and reproduced.

With regard to the second embodiment, although Shinoda discloses thinning out B frames from a transmission stream, it does not disclose transmitting encoded information "when the priority of the encoded information satisfies the priority threshold," which priority threshold is adjusted "when the encoded information is lost

at a frequency exceeding a threshold value." In the second embodiment, Shinoda determines which frames not to transmit based upon their types, i.e., Shinoda discloses transmitting I and P frames but thinning out B frames. Shinoda can not discriminate among frames having an identical type, e.g. P frames, and does not adjust a priority threshold based upon whether transmitted data is lost. It is because amended claim 23 includes a variable priority threshold that the priority threshold may be adjusted so that important frames, such as frames with important scene cuts, have a higher likelihood of being transmitted and that frames having a lower priority are thinned out.

Thus, in view of the foregoing argument, Applicant respectfully contend that the cited portions of Shinoda do not disclose or suggest the above-quoted portions of claim 23 and respectfully request that the rejection of claim 23 be withdrawn.

Claims 59-62 and 95, although not identical to claim 23, recite features similar to those recited in claim 23. Namely, these claims recite, in some form, features relating to adjusting a "threshold priority" or a "priority threshold" and features relating to transmitting and/or retransmitting data having priorities that satisfy the "threshold priority" or the "priority threshold." Accordingly, for at least the same reasons as discussed above for claim 23, Applicants respectfully contend that claims 59-62 and 95 are patentable over Shinoda.

#### **New Claims 96-98**

By the present Amendment, Applicants submit new claims 96-98. Claim 96 depends from claim 23; claim 97 depends from claim 59; and claim 98 depends from claim 61. Accordingly, these claims incorporate all of the features of the base claims from which they depend. For at least the same reasons as identified above for claim 23, 59, and 61, Applicants respectfully contend that claims 96-98 are patentable over Shinoda.

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**Conclusion**

In view of the amendments and arguments set forth above, Applicants respectfully contend that claims 23, 59-62, and 95-98 are in condition for allowance and respectfully request notification to that effect.

Respectfully submitted,



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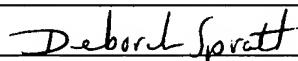
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